

REMARKS

Status of the Claims

Claims 1-11, 15-19 and 21-22 are pending; claims 1-7, 9-11 and 21 are currently amended; and claims 12-14, 20 and 22 are canceled.

Claims 1-4 and 21 have been amended to more clearly recite phosphatidyl-L-serine sodium salts by deleting the word "composition," as indicated.

Claims 1-7 have been amended to recite that the phosphatidyl-L-serine sodium salts are "over" 95% pure. Support for this amendment is found, for instance, in the specification, at page 8, line 4.

Claims 1-7, 9-11 and 21 have been amended to improve grammar by reciting that the phosphatidyl-L-serine is a sodium salt.

Claims 5-7 have been corrected to recite that R_1 is hydrogen (not a hydroxyl).

Claims 9-11 have been amended so that they also depend from claims 1 or 2.

No new matter has been added.

Interview Summary

Applicants and Applicants' representative thank the Examiner for the courtesies extended in the interview conducted on January 10, 2008. In the interview, claim rejections imposed in the Office Action dated November 08, 2007 on the grounds of limitations directed to compositions were discussed.

1. Claim Rejections under 35 USC Section 112, First Paragraph -- Written Description

The Examiner has rejected claims 1-11, 15-19 and 21 as allegedly failing to comply with the written description requirement for the reasons set forth on page 2 of the Office Action.

Applicants have amended the claims so that they more clearly recite phosphatidyl-L-serine sodium salt products by deleting the word "composition" as indicated above. Accordingly, this rejection is obviated.

2. Claim Rejections under 35 USC Section 112, Second Paragraph

2.1 Claims 1-11, 15-19 and 21

The Examiner has rejected claims 1-11, 15-19 and 21 as allegedly indefinite for the reasons set forth on page 3 of the Office Action.

As described above, Applicants have amended these claims so they that they more clearly recite phosphatidyl-L-serine sodium salt products; thereby obviating the rejection as indicated above.

2.2 Claims 5-8

The Examiner has rejected claims 5-8 as allegedly indefinite for the reasons set forth on page 3 of the Office Action.

Applicants have amended the claims as suggested by the Examiner to recite that R_1 is a hydrogen instead of a hydroxyl group; thereby overcoming the rejection.

2.3 Claim 21

The Examiner has rejected claim 21 as allegedly indefinite for the reasons set forth on page 3 of the Office Action.

Applicants have amended claim 21 so that the product is clearly defined as phosphatidyl-L-serine; thereby obviating the rejection.

3. Claim Rejections under 35 USC Sections 102/103

The Examiner has rejected claims 1-11, 15-19 and 21 as allegedly anticipated by Sakai and as allegedly obvious over Sakai taken with DeFerra et al., Horribin, Puricelli, Chemical Land 21 and Kurihara et al. The Examiner's detailed reasoning for imposing this rejection appears on pages 4-5 of the Office Action, and is not reproduced here. Applicants respectfully traverse.

First, Applicants once again point out that the presently pending claims have been amended to more clearly recite that they are directed to phosphatidyl-L-serine sodium salt products, as indicated above. Applicants maintain that the instantly claimed phosphatidyl-L-serine sodium salts are novel and non-obvious over the phosphatidyl-L-serine compositions taught by Sakai and the other cited references for the reasons set forth in Applicants' July 6, 2007 amendment, which includes the July 5, 2007 declaration of Dr. Menon.

Applicants also make the following points, which further support the novelty and non-obviousness of the instantly claimed phosphatidyl-L-serine products of unprecedented purity. In particular, the high purity level of the presently claimed phosphatidyl-L-serine product is achieved by novel and non-obvious aspects of the present invention including catalyzing the enzymatic reaction which produces the claimed phosphatidyl-L-serine with phospholipase D from *S. hachijoense*, which catalyzes a complete conversion from phosphatidylcholine to phosphatidyl-L-serine.

Another novel and non-obvious aspect of the invention which provides for a phosphatidyl-L-serine product of unprecedented purity is the purification of phosphatidyl-L-serine product from residual phospholipase D and other residual impurities, which comprises the addition of a mixture of hexane/isopropanol to the *S. hachijoense* catalyzed reaction, washing with HCl/isopropanol and repeated extracting and washing steps followed by final precipitation.

These aspects of the present invention contribute to the phosphatidyl-L-serine of unprecedentedly high purity provided by and claimed in the instant application.

4. Conclusions

In view of the foregoing amendments and remarks, Applicants submit that each and every rejection has been overcome. Applicants therefore respectfully request immediate allowance of this application, the claims of which define subject matter that meets all statutory patentability requirements.

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

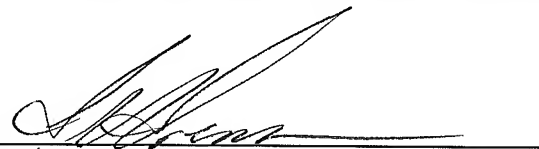
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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